

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: July 28, 2004

Opposition No. **91159137**

Opposition No. **91159361**

THRESHOLD ENTERPRISES LTD.

v.

NATURAL SOURCE INTERNATIONAL,  
LTD.

**Frances S. Wolfson, Interlocutory Attorney:**

On July 28, 2004, the Board held a telephone conference among Ms. Mary Catherine Merz, counsel for opposer, Ms. Jacqueline Levasseur Patt, counsel for applicant, and the undersigned, as the Board attorney responsible for resolving interlocutory disputes in this case.

In an effort to move this case forward in an orderly manner, the Board clarified during the telephone conference that opposer's motion (filed July 10, 2004) to consolidate Opposition Nos. 91159137 and 91159361 is presently pending before the Board. Time remains for applicant to file a brief in response to the motion to consolidate; however, in both cases, applicant's motion for leave to file a late answer has now been granted.

In view thereof, applicant's attorney advised that applicant would not object to consolidation. Accordingly,

the cases are hereby consolidated and may be presented on the same records and briefs.<sup>1</sup>

Trial dates, including the close of discovery, are reset as indicated below.

DISCOVERY PERIOD TO CLOSE: **November 30, 2004**

30-day testimony period for party in the position of plaintiff to close: **February 28, 2005**

30-day testimony period for party in the position of the defendant to close: **April 29, 2005**

15-day rebuttal period for party in the position of the plaintiff to close: **June 13, 2005**

**IN EACH INSTANCE,** a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within **thirty days** after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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<sup>1</sup> Papers should bear the number of each of the consolidated cases, although Opposition No. 91159137 is treated as the "parent" case, and most of the papers filed by the parties, or issued by the Board, will be placed only in the file of the parent case.

The parties need not file a copy for each consolidated case; a single copy, bearing the number of each consolidated case, normally is sufficient.

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

## **New Developments at the Trademark Trial and Appeal Board**

- Files of TTAB proceedings can now be examined using TTAB Vue, accessible at <http://ttabvue.uspto.gov>. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format. Papers filed prior to January 2003 may not have been scanned. Unscanned papers are available for public access at the TTAB. For further information on file access, call the TTAB at (703) 308-9330.
- Parties should also be aware of recent changes in the rules affecting trademark matters, including the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) ([www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf](http://www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf)); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003) ([www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf](http://www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf)).
- The second edition (June 2003) of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at [www.uspto.gov/web/offices/dcom/ttab/tbmp/](http://www.uspto.gov/web/offices/dcom/ttab/tbmp/).